



Cape Verde

Country Reports on Human Rights Practices - [2004](#)

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Cape Verde is a multiparty parliamentary democracy in which constitutional powers are shared among the elected head of state, President Pedro Verona Rodrigues Pires, former President of the African Party for the Independence of Cape Verde (PAICV); the head of government, Prime Minister Jose Maria Neves; and Neves' party, the PAICV. In 2001, Pires was elected by a margin of 12 votes over the country's former prime minister and Movement for Democracy (MPD) president, Carlos Veiga, in what the National Electoral Commission and international media judged to be free and fair elections. Nationwide municipal elections held in March also were considered to be free and fair. The judiciary generally was independent, but understaffed and inefficient.

Police have primary responsibility for maintaining law and order. Civilian authorities maintained effective control of the security forces. Some members of the security forces committed isolated human rights abuses.

The country had a market based economy but little industry and few exploitable natural resources. Per capita income during the year was estimated at \$1,495. The country had a long history of economically driven emigration, and remittances from citizens abroad remained an important source of income. During the year, locusts and severe drought reduced agricultural production, and the country, which generally relied heavily on international food aid, produced food for only 15 percent of its population of approximately 460,000.

The Government generally respected the human rights of its citizens; however, there were problems in some areas. There were occasional reports of police abuse, and prison conditions were poor. The judicial system was overburdened, and lengthy delays in trials were common. Unlike during the previous year, the Government did not restrict press freedom; however, there continued to be allegations of media self censorship. Violence and discrimination against women and mistreatment of children were serious problems. Child labor occurred.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Arbitrary or Unlawful Deprivation of Life

There were no reports of the arbitrary or unlawful deprivation of life committed by the Government or its agents.

b. Disappearance

There were no reports of politically motivated disappearances.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Constitution prohibits such practices; however, there were credible reports that police continued to beat persons in custody and in detention, despite government efforts to stop such practices.

The Government investigated allegations of human rights abuses by police; however, these investigations did not result in any legal action against the perpetrators.

Prison conditions were poor, and facilities were severely overcrowded. Sanitation and medical assistance were poor; however, a doctor and a nurse were available, and prisoners were taken to the public hospitals for serious problems. Psychological problems among prisoners were common.

Although women and men were held separately, juveniles were not held separately from adults, and pretrial detainees were not

held separately from convicted prisoners.

The Government permitted both formal visits by international human rights monitors to prisons and visits to individual prisoners; however, there were no such visits during the year. Local nongovernmental organizations (NGOs) and media representatives frequently visited the prisons and reported on prison conditions.

d. Arbitrary Arrest or Detention

The law prohibits arbitrary arrest and detention, and the Government generally observed these prohibitions.

The country's police force is organized nationally under the Ministry of Justice and is made up of the Public Order Police, which are responsible for enforcement, and the Judicial Police, which are responsible for investigations. Corruption was not a significant problem, and police were subject to legal and disciplinary measures in cases of misconduct. Logistical constraints, including lack of vehicles, limited communications equipment, and poor forensic capacity, limited police effectiveness.

The law stipulates that a suspect must be charged before a judge within 48 hours of arrest. Police may not make arrests without a court order unless a person is caught in the act of committing a felony. The courts had jurisdiction over state security cases, and there was a functioning bail system.

Judicial backlogs resulted in lengthy pretrial detentions, and detainees often remained in jail without charge for more than a year. The dropping of charges without a court judgment was a frequent means for terminating criminal cases.

e. Denial of Fair Public Trial

The Constitution provides for an independent judiciary, and the Government generally respected this provision in practice; however, the judiciary was understaffed and inefficient.

The judicial system is composed of the Supreme Court and the regional courts. Of the five Supreme Court judges, one is appointed by the President, one by the National Assembly, and three by the Superior Judiciary Council, which is composed of the President of the Supreme Court, the Attorney General, eight private citizens, two judges, two prosecutors, the senior legal inspector of the Attorney General's office, and a representative of the Ministry of Justice. Judges were independent and could not belong to a political party.

The Constitution provides for the right to a fair trial. Defendants are presumed to be innocent; they have the right to a public, nonjury trial; to counsel; to present witnesses; and to appeal verdicts. Free counsel is provided for the indigent. Regional courts adjudicate minor disputes on the local level in rural areas. The Ministry of Justice does not have judicial powers, which are held by the courts. Defendants can appeal regional court decisions to the Supreme Court.

The judiciary generally provided due process; however, the right to an expeditious trial was constrained by a seriously overburdened and understaffed judicial system. A backlog of cases routinely led to trial delays of 6 months or more; more than 12,055 cases were pending at the end of 2003.

There were no reports of political prisoners.

f. Arbitrary Interference with Privacy, Family, Home, or Correspondence

The Constitution prohibits such actions, and the Government generally respected these prohibitions in practice.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

The Constitution provides for freedom of speech and of the press, and the Government generally respected freedom of speech; unlike in the previous year, there were no reports that the Government restricted freedom of the press. There was a substantial and growing independent press; however, there continued to be reports of media self censorship. The Government did not restrict academic freedom.

There were three independent newspapers and one state owned newspaper; six independent radio stations and one state owned radio station; and one state owned television station and two foreign owned stations. Foreign broadcasts were permitted. Journalists were independent of government control and were not required to reveal their sources; however, journalists--particularly those associated with the government controlled media--practiced self censorship.

The law requires a formal licensing mechanism for mass media, including government authorization to broadcast; however,

there were no reports that licenses were denied or revoked or that the Government refused to authorize broadcasts during the year.

The 2002 case, filed against an attorney who had accused a former Chief Justice of rigging the 2001 presidential election, remained under investigation at year's end.

The 2002 defamation case filed by the Government against the newspaper A Semana remained pending before the Supreme Court at year's end; the newspaper had published an article that criticized the judiciary.

Freedom of expression may or may not be used as a defense in cases involving defamation or offense to personal honor. Despite the broadly interpreted criminal libel laws, no independent media outlets reported direct pressure in their daily operations or business activities.

The Government did not restrict Internet access.

b. Freedom of Peaceful Assembly and Association

The Constitution provides for freedom of assembly and association, and the Government generally respected these rights in practice.

c. Freedom of Religion

The Constitution provides for freedom of religion, and the Government generally respected this right in practice.

The Catholic majority enjoyed a privileged status in national life. For example, the Government provided the Catholic Church with free television broadcast time for religious services and observed its holy days as official holidays.

To be recognized as legal entities by the Government, religious groups must register with the Ministry of Justice; however, failure to do so did not result in any restriction on religious belief or practice.

For a more detailed discussion, see the [2004 International Religious Freedom Report](#).

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

The Constitution provides for these rights, and the Government generally respected them in practice.

The Constitution prohibits forced exile, and the Government did not use it.

The law provides for the granting of asylum or refugee status in accordance with the 1951 U.N. Convention Relating to the Status of Refugees or its 1967 Protocol, and the Government has established a system for providing protection to refugees. In practice, the Government provided protection against refoulement, the return of persons to a country where they feared persecution. The Government granted refugee status or asylum. The Government cooperated with the office of the U.N. High Commissioner for Refugees and other humanitarian organizations in assisting refugees and asylum seekers.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

The Constitution provides citizens with the right to change their government peacefully, and citizens exercised this right in practice through periodic, free, and fair elections held on the basis of universal suffrage. In 2001, Pedro Verona Rodrigues Pires, former president of the PAICV, was elected by a margin of 12 votes over the country's former Prime Minister and MPD president, Carlos Veiga. The MPD, the principal opposition party, held power from 1991 until 2001 after defeating the PAICV, which held power in a one party state from independence in 1975 until 1991. The PAICV won the legislative elections in 2000 and has an absolute majority in the National Assembly. In March 21 municipal elections, the MPD increased its number of mayors from 7 to 9 out of 17 mayoral districts. The National Electoral Commission and the international media judged the 2000 legislative elections, the 2001 presidential elections, and the March municipal elections to be free and fair.

The Constitution provides for the separation of powers. Constitutional powers were shared among President Pires, Prime Minister Jose Maria Neves, and the PAICV party. Cabinet ministers were subject to confirmation by the President. Collectively they must retain the support of a parliamentary majority. The President could dismiss the Government with the approval of the political parties represented in the National Assembly and the Council of the Republic; the Council consisted of the President of the National Assembly, the Prime Minister, the President of the Constitutional Court, the Attorney General, the Ombudsman, the President of the Economic and Social Council, the former presidents, and five private citizens appointed by the President. The MPD and the Party of Democratic Convergence were the main opposition parties.

The Constitution provides for freedom of access to information without limitation, provided that privacy rights are respected; however, there were no requests for such information during the year, in part because few persons were aware of this right.

There were 11 women among the elected deputies in the 72 seat National Assembly and 4 women in the 17 member Cabinet.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

A number of domestic human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials generally were cooperative and responsive to their views.

There were three private human rights groups: The National Commission of the Rights of Man, the Ze Moniz Association, and the Alcides Barros Association.

The powers of the independent Ombudsman, who serves a 5-year term, were defined in July 2003; however, no Ombudsman had been elected by year's end.

Section 5 Discrimination, Societal Abuses, and Trafficking in Persons

The Constitution prohibits discrimination based on race, sex, religion, disability, language, or social status; however, the Government did not enforce these provisions effectively, and not all elements of society, particularly women and children, enjoyed full protection against discrimination. During the year, the Government amended the Penal Code to include sexual crimes and verbal and mental abuse towards women and children as punishable acts; however, because existing penalties were viewed as too severe, the Government reduced the penalties associated with physical and sexual abuse.

Women

Domestic violence against women, including wife beating, was common. The Government and civil society encouraged women to report criminal offenses such as spousal abuse and rape, which was punishable by 2 to 13 years' imprisonment; however, longstanding social and cultural values inhibited victims from doing so. While there were mechanisms to deal with spousal abuse, in practice, these mechanisms neither ensured the punishment of all those responsible nor effectively prevented future violence. Nevertheless, reporting of such crimes to police continued to increase during the year, and violence against women was the subject of extensive public service media coverage in both government and opposition-controlled media.

Women's organizations, like the Women Jurists' Association, continued to seek legislation to establish a special family court to address crimes of domestic violence and abuse; however, there was no such legislation by year's end. The revised Penal Code protects certain rights of the victims of sexual, mental, and verbal abuse; however, it did not ensure compensation.

Despite constitutional prohibitions against sex discrimination and provisions for full equality, including equal pay for equal work, discrimination against women continued. Although they often were paid less than men for comparable work, women were making inroads in various professions, especially in the private sector.

The Constitution prohibits discrimination against women in inheritance, family, and custody matters; however, women often were reluctant to seek redress of domestic disputes in the courts. The Organization of Cape Verdean Women alleged that there was discriminatory treatment in inheritance matters, despite laws that called for equal rights. For example, some women were pressured to sign judicial agreements detrimental to their statutory inheritance rights.

The Women Jurists' Association provided free legal assistance to women throughout the country suffering from discrimination, violence, and spousal abuse.

Children

The Government remained committed to children's rights and welfare. The Government provided free, mandatory education for 6 years of primary school for all children, which normally covered children aged 6 to 12. Education was compulsory until age 11; however, secondary education was free only for children whose families had an annual income below approximately \$1,951 (160,000 Cape Verdean escudos). According to UNICEF, primary school attendance from 1996 to 2003 was approximately 98 percent. Attendance rates by boys and girls differed by less than 1 percent.

Students may be suspended from classes during pregnancy or nursing, and individual schools were responsible for enforcing the rule; however, unlike in the previous year, there were no reports of such suspensions.

Child abuse and mistreatment, sexual violence against children, and juvenile prostitution were problems, exacerbated by chronic poverty, large unplanned families, and traditionally high levels of emigration of adult men. The media reported cases of sexual abuse against children and adolescents. The inefficiencies of the judicial system made it difficult for government institutions to

address the problem.

Trafficking in Persons

The law prohibits trafficking in minor persons, and there were no reports that persons were trafficked to, from, or within the country. Sentences for trafficking in children ranged from 2 to 13 years' imprisonment.

Persons with Disabilities

Although the Constitution mandates "special protection" for the aged and persons with disabilities, the Government did not require access to public buildings or services for persons with disabilities; however, there was no discrimination against persons with disabilities in employment, education, access to health care, or in the provision of other state services. Several NGOs, including an association for the blind, were active.

Section 6 Worker Rights

a. The Right of Association

The Constitution allows workers to form and join unions without previous authorization or excessive requirements, and workers exercised this right in practice. Approximately 22 percent of workers were unionized.

b. The Right to Organize and Bargain Collectively

The Constitution provides for the right to organize, to operate without hindrance, and to sign collective work contracts; however, there has been very little collective bargaining, and there were no signed collective bargaining agreements during the year. There are no special laws or exemptions from regular labor laws in export processing zones.

Workers and management in the small private sector, as well as in the public sector, normally reached agreement through negotiations. Although there were no collective labor contracts, workers succeeded in negotiating important issues such as salary increases; however, as the country's largest employer, the Government continued to play the dominant role in setting wages. It did not fix wages for the private sector, but salary levels for civil servants provided the basis for wage negotiations in the private sector.

The Constitution provides union members with the right to strike, but the Government at times limited this right. In the past, when workers attempted to strike, the Government invoked a "civil request" under which it had the power, in an emergency or if a strike threatened coverage of basic needs, to name a list of minimum services that a union must continue to provide during any strike. The Government continued to requisition workers to curtail strikes and to interpret essential services in the broadest terms. The Government took measures during the year to amend its legislation so that if parties disagreed on the minimum services to be provided during strikes, an independent body could resolve the dispute; however, the Government had not created an independent body to resolve such differences by year's end.

c. Prohibition of Forced or Compulsory Labor

The law prohibits forced or compulsory labor, including by children, and there were no reports that such practices occurred.

d. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits children under the age of 16 from working at night, more than 7 hours per day, or in establishments where toxic products were produced; however, the Government rarely enforced the law, and child labor occurred. The legal minimum age for employment was 16 years, which was inconsistent with the age for completing educational requirements (see Section 5). The Ministries of Justice and Labor were responsible for enforcing child labor laws; however, such laws were seldom enforced.

e. Acceptable Conditions of Work

There were no established minimum wage rates in the private sector. Large urban private employers linked their minimum wages to those paid to civil servants. For an entry level worker, this wage is approximately \$146 (12,000 Cape Verdean escudos) per month. The majority of jobs paid wages that did not provide a worker and family with a decent standard of living; most workers relied on second jobs and extended family support.

The law provides for a maximum workweek for adults of 44 hours, prohibits excessive compulsory overtime, and requires that a premium be paid for work above the standard workweek. While large employers generally respected these regulations, many domestic servants and agricultural laborers worked longer hours.

The Director General of Labor conducted sporadic inspections to enforce the labor code and imposed fines on private enterprises that were not in conformity with the law; however, the Government did not enforce labor laws systematically, and much of the labor force did not enjoy their protection.

The Government has not set occupational health and safety standards; however, there is a general provision in the law that requires employers to provide a healthy and safe work environment. Few industries employed heavy or dangerous equipment, and work related accidents were rare. There is no legal provision for workers to remove themselves from unsafe working conditions without jeopardizing their continued employment.

There are no provisions to protect illegal foreign workers.